THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.27242 OF 1998

Between:

P.Lakshmi Narasimha Reddy

....Petitioner

Vs.

Hindustan Fluorocarbons Ltd., and another

…Respondents

THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.27242 OF 1998

ORAL ORDER

The writ petition is misconceived.

The petitioner was appointed on casual basis as Stores Assistant in the Stores Department of the 1st respondent-Company in 1991 to work in the 2nd respondent-unit. With effect from 20-11-1998 he was disengaged from active service. In this writ petition filed prior to such disengagement, the petitioner claims regularization in service and seeks a direction to the respondents on that behalf. The singular ground urged is that since he has completed 240 days of service he is entitled to be considered for regularization. Reliance is placed on the judgment of the Division Bench of this Court in **APSRTC Vs. P.T. Rao and Others([1])** wherein this Court had declared that persons (workmen who completed more than 240 days of service) are entitled to be considered for regularization. However in view of the declaration of law by the Supreme Court in **Indian Drugs & Pharmaceuticals Ltd., Vs. Workmen ([2])** the principle of law declared by the Division Bench of this Court (one supra) no longer represents the correct legal position. Completition of 240 days of service within the context of the provisions of Sec.25 of the Industrial Disputes Act,1947 would only entitle a workman to the benefits of Chapter V-A & B but would not entitle such workman to claim regularization in service, also in view of the law declared by the Constitution Bench of the Supreme Court in **Secretary, State of Karnataka and others Vs. Uma Devi and others** ([3]) regularization of

casual employment not being a legitimate mode of recruitment cannot be sanctified by a side wind legal principle. The petitioner was appointed on casual basis as a Stores Assistant. His case could be considered for regularization if the respondents had evolved a rational scheme for regularization of longstanding employees working on casual basis. Other wise the only method of appointment to a public office (the 1st respondent is an instrumentality of State) is by the method of direct recruitment where all persons eligible are entitled to compete for a public office.

For the aforesaid reasons and on the aforesaid analysis there are no merits in the writ petition. The writ petition is accordingly dismissed. No order as to costs.

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GODA RAGHURAM,J

11th SEPTEMBER 2007
***TSNR/PVSN**

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[1] 1998(2) ALT 447
[2] (2007) 1 SCC 408
[3] 2006(4) SCC 1